

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA)	
)	
vs.)	Cause No. 3:05-CR-147(01)RM
)	3:09-CR-16 (01)RM
GABRIEL MENDOZA)	

OPINION AND ORDER

Gabriel Mendoza was indicted in 2005 for possession with intent to distribute methamphetamine and cocaine, in violation of 21 U.S.C. § 841(a)(1) and (b), and in 2009 for possession with intent to distribute, and conspiring to distribute, methamphetamine and cocaine, in violation of 21 U.S.C. 841(a)(1) and 846. The cases were consolidated for trial, and Mr. Mendoza was convicted on all counts and was sentenced to life imprisonment. His convictions and sentences were affirmed on appeal in November 2010. Mr. Mendoza is now before the court requesting copies of his trial transcripts.

Mr. Mendoza may obtain copies of the transcripts he seeks for a fee by contacting the court reporter at (574) 246-8039, but his right to receive transcripts at government expense under 28 U.S.C. § 753(f) ended when the criminal proceedings in this court ended.¹

¹ 28 U.S.C. § 753(f) provides in pertinent part:

Fees for transcripts furnished in criminal proceedings to persons proceeding under the Criminal Justice Act (18 U.S.C. § 3006A), or in habeas corpus proceedings to persons allowed to sue, defend, or appeal in forma pauperis, shall be paid by the United States out of moneys appropriated for those purposes. Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies

Accordingly, Mr. Mendoza's requests for trial transcripts [Doc. No. 104 in 3:09-CR-16 and Doc. No. 165 in 3:05-CR-147(1)] are DENIED.

SO ORDERED.

ENTERED: June 30, 2011

/s/ Robert L. Miller, Jr.
Judge
United States District Court

that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.